

# A CASE STUDY OF THE PLANT PERMITTING PROCESS

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Whether you need to obtain the permit for your first plant or your fourth, use this guidance to help you prepare for town hall meetings, zoning meetings and additional steps in the asphalt plant permitting process.

**ASPHALTPRO**

# CASE STUDY 1

IN GLADE VALLEY, NORTH CAROLINA, April 2005, a resident opened a lawn mower racetrack in his backyard. A few months later, the community leaned on the Alleghany County Board of Commissioners to draft zoning ordinances in response to a proposed asphalt plant from Maymean Materials Inc., Mountain City, Tenn. It would surprise members of the community and board of commissioners to know that they had more to worry about from the lawn mower races than the asphalt plant.

In fact, a lawn mower without a catalytic converter emits 4000 micrograms of polycyclic aromatic hydrocarbons (PAHs) per hour using unleaded fuel, according to [www.mindfully.org](http://www.mindfully.org). In other words, two lawn mowers emit more pollution in a year than an asphalt plant. It makes one wonder how many racing lawn mowers were polluting the air, in addition to those used for lawn maintenance, in Alleghany County.

But why would this information surprise the general public? Isn't it common knowledge that in California, the 2006 lawn mower engines contributed 93 times more smog-forming emissions than the 2006 car engines, according to the California Air Resources Board? Isn't it common knowledge that asphalt plants put out fewer fugitive emissions in a year than the cars in a town meeting parking lot put out in a day?

Well, no, it's not common knowledge because special interest groups and other misinformed individuals spread archaic or incorrect information that frightens the general public into thinking negatively about asphalt mix production facilities. Once negative perceptions take hold, the asphalt producer who wishes to build a plant in or near an existing community has an "exciting" process to go through.

Here's how to get through the permitting process successfully and with your sanity intact.

## PARTNER UP

When you're ready to apply for a hot mix asphalt plant permit, you'll want someone with knowledge of the process and facts about the industry at your side. That's not just a tip for newcomers to the industry. Even producers who have been around for years continue to employ partners to get through the process smoothly.

"Sometimes I use a consultant, depending on the area," Brian Lawrence, of C.W. Matthews Contracting Co. Inc., Marietta, Ga., said. But personnel are ready to call on their consultant or their equipment manufacturer, Astec Industries Inc., in Chattanooga,

when necessary. "We'll ask [Astec] to help. It depends on the need, but they'll typically send an engineer."

Phillip King of Century Asphalt, Houston, has been in the industry for more than 30 years, and uses a consultant for the permitting process on a continuing basis. He also calls upon his equipment manufacturer for special help, such as a community protest in Spring, Texas. For that unique situation, Catherine Sutton-Choate, the environmental compliance manager for Astec, flew in to assist. Although attaining a permit for each of the eight Century Asphalt plants in the Houston area delivered a smooth process each time, King said the process in Spring became dif-

icult and required more effort, ultimately resulting in management's decision to withdraw the request. That situation will be discussed later in this article, but it's important to note that Century Asphalt personnel employ a consultant even for the "easy" permits.

Mike Devine, president of Asphalt Drum Mixers Inc., Hometown, Ind., is also a proponent for partnering with your equipment manufacturer. He told of assisting a client in the Boston area.

"We had one of our salesmen at three different meetings with Steve Bevilacqua defending the asphalt plant for over a year," he said. The end result: the board of commissioners granted a plant permit so Belivacqua Paving could get to work.

Devine's vice president and general manager, Mark Simmons, agreed with the concept of seeking professional guidance for different aspects of the permitting process.

"The contractor should retain an attorney that deals specifically with zoning and air quality issues," he said. "The contractor should also retain an air quality or permitting agency that will take care of the permitting and [fugitive emissions information]." Simmons encouraged all producers to let the manufacturer of the equipment, the attorney and the permitting engineers present the positives of how an asphalt production facility can offer benefits to the neighborhood in question.

For smaller producers who may not have the funds to hire a consultant at the outset of the permit application process, state environmental protection agencies are required to provide an ombudsman to assist. This requirement is due in part to the fact that some states mandate a consultant be employed for the permitting process.

From consultants to attorneys to the national pavement association to the plant equipment manufacturer, the producer applying for a plant permit has a host of professionals from which to select for his team.

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*When you're ready to apply for a hot mix asphalt plant permit, you'll want someone with knowledge of the process and facts about the industry at your side. Employ your equipment manufacturer, like Astec, as a partner in the process.*

Most plant manufacturers offer services to assist clients in the permitting process. Selecting your partners is important when starting the application process, but knowing the other steps to take on this journey will determine whether or not you spend your time wisely. Gary Fore, a consultant to the National Asphalt Pavement Association (NAPA), Lanham, Md., said the process timeline can fluctuate depending on various factors.

"It can take years," he warned. "One to four probably is typical, but I've seen others that took years and thousands of dollars." Whether you've applied for permits in other counties before or not, avoiding delays and pitfalls that put you on the latter timeline means starting with the right game plan.

## THE STEPS

When new permit applicants approach Astec, Sutton-Choate assesses how best to assist them by first assessing their concepts. "From a permitting standpoint, I try to get an idea of what kind of plant they're proposing," she said. "Is it stationary or movable?

What kind of fuels will they use? I look up the regulations for their area. A plant in Southern California is not going to be the same as Alabama. If the property is already zoned correctly, then we simply start in on the air permit process."

If a producer wishes to place a plant in an area that is not already zoned for manufacturing use, there's a hurdle to be overcome right out of the gate. You'll have to request the county zoning board rezone the area or make an exception to current regulations to allow you to get your permit to operate there. If and when you succeed in that step, it takes a diligent applicant to keep the permitting process on track.

For instance, in the state of Vermont, an environmental court stepped in to reverse the zoning board's decision in 1999. In the commercial-industrial district of the Town of Clarendon, the zoning board granted a permit to John A. Russell Corp., as it had done for "tall" buildings that exceed 35 feet in height—such as two concrete plants, an asphalt plant and a church with a tall spire—in the past, but concerned citizens appealed the decision and Environmental Judge Merideth Wright repealed the permit, according to [www.vermontjudiciary.org](http://www.vermontjudiciary.org).



Producers applying for permits in areas that are already zoned for manufacturing use should also keep an eye on zoning changes. For instance, in Ashe County, North Carolina, in 2005, about 25 people attended a town meeting where aldermen voted to adopt extra-territorial jurisdiction that extended the zoning ordinances of Jefferson a mile outside of town. That, as well as new language in the ordinances that specifically prohibited asphalt plants and concrete plants, effectively shut down the applicant's bid to build outside of Jefferson's city limits, according to the July 12, 2005, edition of the Winston-Salem Journal.

This isn't to say that zoning changes are unattainable. In the June 28, 2007, edition of Pantagraph.com, a concerned citizen named Paul Petry, Heyworth, Ill., bemoaned the zoning change that took place in McLean County. According to Petry, the McLean County Zoning Board of Appeals voted to change the zoning on a parcel of land about one mile southeast of the village of Heyworth to "manufacturing-2" to permit the reconstruction of a 19-year-old asphalt plant.

**"Obtaining the required permits can take a great deal of time, so start this step as early in the process as possible. Keep in mind that it is usually easier to make amendments to a permit than obtaining one in the first place."**

- Sutton-Choate

This proves that rezoning can happen, but also proves that community outreach and education can't stop just because permitting is moving forward. A few short months later, according to Pantagraph.com, the zoning board overturned its decision based on concerns about truck traffic. High school children walk across the road that haul trucks would be driving. Apparently, residents of McLean County were accustomed to the allowed jaywalking near the school, and had learned to accommodate the teens in town. They feared truck drivers from their population would neglect to do so. This is an item to remember for the traffic study section of this article.

When rezoning is necessary, a series of events will take place. Fore walked us through the following zoning action items to give a clearer picture.

First, the producer files a petition with the zoning commission to make the request official.

The zoning decision goes through a planning staff, the members of which lay out what information is required from the applicant/petitioner.

If the planning staff requests a plan, the applicant files the plan.

The planning staff comes to a conclusion and files a recommendation to the zoning commission.

If there is any controversy, the zoning commission will call a public hearing or make notice for opportunity for a public hearing at which members of the community can ask questions and voice concerns about the zoning change.

After the zoning hearing, the zoning commission votes on the zoning decision.

When rezoning is not necessary, the producer sets in motion the following series of events to move his permit-application forward. Some of the steps should take place simultaneously in the interest of time. As Century Asphalt's King pointed out, even a smooth process such as the one he's experienced often with his company in the Houston area can take at least six months in this day and age.

Write to the local planning board. If the producer has selected a marketplace (see sidebar, Pick the Most Advantageous Place to Build) that is already zoned for manufacturing, his first step should be to contact the local planning board in writing. Astec's Sutton-Choate pointed out that this step is to determine whether or not the HMA plant is compatible with the long-term land use plans for the community. She explained that planning board members will guide you in determining whether or not the plant will require a location away from commercial, institutional and residential land use areas, and will indicate which permits you'll need for installation. In the event community members will resist your plans, the planning board can warn you of it.

Perform a traffic study. While your letter goes off to the local planning board, or whatever the equivalent entity is in the area where you wish to build, you have the perfect opportunity to conduct a traffic study at your potential site. Even if a traffic study is not required as part of the local ordinance, having this information at the ready will aid you in upcoming public hearings. You'll want to know how easily haul trucks and raw-material delivery vehicles can get to and from your facility, and what, if any, impact this traffic will have on area businesses, schools and residents. The goal is to minimize that impact, so sources advised finding best routes for deliveries and routine truck traffic.

In the example of the McLean County Zoning Board above, members of the community were, naturally, concerned about increased truck traffic posing a hazard to their children who walk across the highway to get to school in the morning, to get to a convenience store for lunch and back to school during the day, to get to a park for some physical education classes during the day, and to get to their homes in the afternoon. This is a legitimate concern, albeit a strange one in this day and age.

Managers for the producer in question, Entler Excavating Co., Decatur, Ill., could have volunteered to have traffic lights installed, not just to increase their chances of keeping their permit process on track, but also to help safeguard neighbors in what sounds like a dangerous situation even without additional truck traffic from a new business. (Management at Entler also could have volunteered to build a physical education park, similar to or better than what the children were crossing the highway to get

to, on or near school property to help safeguard these young neighbors and to show a willingness to help solve problems in the community.)

Invite the neighbors to comment. Also at this time, avert potential problems by reaching out to the community. By writing a brief letter that outlines the general scope for the new plant, you not only extend a hand of goodwill, but also provide information to quell immediate suspicions. You want to include your contact information on the letter so neighbors can respond and voice their specific concerns. When they do, you'll know what to research in preparation for your public meetings to allay any fears that special interest groups or misinformed website administrators may have given your new neighbors.

Another way to contact neighbors that Sutton-Choate suggested is to host an informational meeting for the community. This extends the same warm hand of friendship and allows you an opportunity to address neighbors' concerns without the constraint of a formal hearing, but it doesn't give you time to prepare specific responses to specific questions neighbors could have brought to you ahead of time with written correspondence. In the following section, we'll discuss how to handle two different public meetings, neither of which is voluntary on your part.

By inviting the neighbors to learn about your company and your intended business, you also avoid the appearance of "sneaking" into the community. For Century Asphalt's King, this was a lesson learned the hard way. After a couple decades in the asphalt production business and several successful plant permit applications, King followed his standard procedure to apply for a permit in a town north of Houston. He placed a notice in the public library where he always placed such notices and he ran an ad for a public hearing in the Houston newspaper where he always placed such ads. He began putting in his permit applications. The first one came back approved, and a member of the Spring community learned of it. Unfortunately, that member of the community misunderstood the process.

King explained that his actions appeared to this community member to be underhanded. The general public thought King was hiding the fact that he wished to place an asphalt plant in their community. That first hint of distrust shook the community's confidence in an honest company, and made all the other statements King, or any other Century Asphalt permitting team member, made seem "unbelievable" as well. In the case of Spring, Texas, Century Asphalt personnel realized the community would never give up their anger over what they perceived as a sneaky dealing, thus the ownership decided to withdraw their permit application and let bygones be bygones.

Prepare permit applications. While doing community relations work, you should also be preparing the local permit applications, even if you still have decisions to make about specific equipment you intend to purchase. As Sutton-Choate pointed out, "Obtaining the required permits can take a great deal of time, so start this step as early in the process as possible. Keep in mind that it is usually easier to make amendments to a permit than obtaining one in the first place. While it is better to have already selected specific equipment, it is sometimes possible to make changes once the permit is issued."

As with all aspects of the permitting process, changes require excellent communication between the applicant and the permitting authority. Just be sure to check with that authority to see what changes are allowed under the local policy.

Local policy will also dictate mandatory public disclosure procedures. You may also need to file your notice of intent with the public library, etc. It is a good idea to have the local permitting authority provide you with these rules and regulations up front so you don't miss any deadlines. Not only could you be subject to fines, you could be giving the wrong impression in the community and delaying your permitting process.

One of the notices that the county board of commissioners, the zoning board or you will post is for the zoning hearing or for the town meeting. As stated earlier in this article, you should have been preparing for these before the notice went out. In the next section, sources describe in detail how to prepare for these meetings and give specific advice on how to survive once the meetings begin.

## PICK THE MOST ADVANTAGEOUS PLACE TO BUILD

Location, location, location. It's not just a mantra for home-buyers and real estate agents anymore. For our purposes here, we'll assume that the site you've selected is already zoned for industrial or manufacturing use. When selecting the site for your new HMA production facility, selecting the right marketplace is integral to seeing a profit. But did you know that the local utility company's output is integral to your success as well? How about the rise in the geography in the middle of the real estate you wish to buy? Our sources offered some good items to consider when you think you've found the perfect place to build.

1. Local competition in relation to the available/upcoming work and customer base, otherwise known as the marketplace
2. Local utility/commodities rates and capacities
3. State and local environmental and operational regulations/ordinances
4. Adequacy of infrastructure for the level of truck and material-delivery traffic you'll incur
5. Availability of raw materials to be delivered
6. Existing trees, hills, ponds, etc. that can be used for site beautification or noise abatement

# CASE STUDY 2

IN CARPENTERSVILLE, ILLINOIS, in April 2002, a board member suggested the county forest preserve purchase the land where an asphalt plant would sit. Why? His plan was to block the plant's permitting and construction. Local residents decided that wasn't enough, and adopted a stance against the whole four-lane highway plan that the plant would be used to build. After meeting with the Citizen's Advocate Team one night in April 2002, the residents near Carpentersville were ready to join the fight against not just the asphalt plant permit, but against the Bolz Rd. Bridge and the four-lane highway to be built in Kane County.

Over in the United Kingdom, protestors decided the best way to halt the permitting process for an asphalt plant in Wakefield was to hire a consultant who could advise them, according to the Dec. 4, 2003, *Pontefract and Castleford Express*. At the public meeting for the permitting process, a gentleman worried protestors with a statement that the production of tarmac would produce a cancer-causing hydrocarbon. When facts showed that the asphalt plant would not cause cancer, the protestors were confused.

It is this confusion, coupled with special interest groups' manipulation of inaccurate or erroneous facts, that can lead to tumultuous public meetings. In the first part of this article, sources walked us through the steps to take for the permitting process, but the all-important zoning meeting and town meeting require separate, in-depth discussion.

## THE ZONING HEARING AND TOWN MEETING

Fore pointed out that any environmental permit at the state level typically carries a federal requirement for notice of opportunity for the public to be heard. "Meetings with the public are simply the prudent thing to do," he said. When preparing for those meetings, he cautioned producers not to not be late on the planning process. "When it comes to decisions, get up early and stay late. Do your homework. Engage the community. Understand what it means to balance community needs with company needs, and find a compatible plan."

Fore explained that former NAPA Chairman Tom Ritchie once saw a changing paradigm within the zoning permitting process. The rate at which NAPA personnel received calls for assistance from producers in the field was increasing exponentially as the use of the Internet gained ground. Concerned, citizens were able to access information from the World Wide Web, but the information was not always reliable or correct.

According to Fore, Ritchie led an effort within NAPA to increase producer chances for success in the permitting process by produc-

ing resources contractors could use to refute the incorrect information and set the record straight. (See Sidebar 2, Resources for the Producer). As you can see from the list in the sidebar, equipment manufacturers and state pavement associations also gathered information to help producers keep positive facts about the industry available to neighbors, and available for meetings with them.

Another tool that came from the effort at NAPA was the Diamond Achievement Commendation for Excellent Hot Mix Asphalt Plant/

Site Operations. This commendation is not an award, per se, but is a label producers can affix to their businesses, once achieved, to show a proven, environmentally sustainable record. The commendation includes a review by a local public official, community association or neighbor, and evaluates six categories: plant appearance, operations, environmental practices, safety, permitting and regulatory compliance, and community relations.

While the commendation is not something that would be available to a new producer applying for a first-time permit, it is something an established producer could have in his portfolio when applying for subsequent permits in other counties. When appearing at a town meeting where he wishes to show a record of environmental compliance, good community relations,

proper land stewardship, etc., he would have the Diamond Achievement Commendation to help prove his laurels.

Before getting to the meeting, though, as Fore advised, the producer has some homework to do. As sources recommended above, polling the community with a very general letter is one good way to find out what neighbors' concerns may be. In one community, the neighbors made their concerns abundantly clear by posting a billboard along the side of the road with the words: "Warning! A cancer causing asphalt plant is coming to your area." The sign went on to give the date and location of the place where citizens could go to sign a petition, based on this single incorrect fact.

That producer then was aware that his neighbors believed an old falsehood about asphalt plants contributing to cancer, when, in fact, in December 2000, the National Institute for Occupational Safety and Health (NIOSH) issued a report titled "Health Effects of Occupational Exposure to Asphalt" in which researchers stated there is no association between occupational exposure to asphalt and cancer. In 2002, the Environmental Protection Agency (EPA) removed hot mix asphalt (HMA) facilities from its list of major sources of hazardous air pollutants. In 2011, the International Agency for Research on Cancer (IARC) released its monograph on the evaluation of carcinogenic risk due to bitumen fume with

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the good news that asphalts used for pavement mix designs do not pose a threat to workers.

Take visual aids. Explaining the NIOSH report and, ultimately, its statement that asphalt plants don't cause cancer in workers can present a challenge. The people who come to a town meeting can be frightened, angry, confrontational, worried, etc. To present your facts, you will need visual aids that break them down into simple, easy-to-read, easy-to-say and easy-to-understand sound bites that don't take a long time to digest.

Astec's Sutton-Choate listed some items to help producers. "We take a generic model of the plant that's been proposed for that customer so people can see what we're talking about in 3D form. I have a collection of pictures in a slideshow presentation that show plants in "sensitive" situations that prove they're not intrusive. When emissions are an issue, I have several studies that I reference, and I take the studies with me, but I only hand those out if requested."

The discussion of fugitive emissions is a touchy one because so few members of the general public understand the terms and measurements involved. One way to make the discussion easier for members of the general public to follow is to compare what little plant emissions there are to everyday emissions. "Bring plant emissions down to compare them to everyday life," Sutton-Choate advised.

Back in December 2000, researchers at Clayton Group Services compared emissions from an HMA plant with emissions from a variety of everyday emitters such as residential fireplaces, a commercial bakery, fast-food restaurants, gas stations, etc., and reported on the findings in "Emissions Comparison Between Asphalt Plants and Selected Categories." Since then, Clayton Group Services has combined with Bureau Veritas, and no one from that lab could provide a copy of the report. Producers can get the information, though, at the Carolina Asphalt Pavement Association's (CAPA) website (See Sidebar 2, Resources for the Producer), and show the comparisons that were made.

For instance, an HMA plant with an annual production rate of 100,000 tons emits in one year the same volatile organic compounds (VOCs) as two residential fireplaces during the course of one year and the same VOCs as a typical commercial bakery operating for two days. Keep in mind that VOCs evaporate at normal air temperatures.

You can also point out that other sources of VOCs include hair sprays, household cleaning products, dry-cleaning fluids, some adhesives, copier fluids, etc., all courtesy of the CAPA site. That same plant emits in a year the same total organic compounds (TOCs) as

## RESOURCES FOR THE PRODUCER

It's no secret that the internet holds a wealth of misleading information for concerned citizens to grab and "use against" a producer applying for a permit to build an asphalt plant. So where can an asphalt producer find good, factual information to clear up citizens' confusion?

Here are a few spots to get you started.

### NAPA

- A Guide to the Zoning and Permitting Process for the Hot Mix Asphalt Industry (order number HS-20)
- Taking the High Road: A Guide to Good Community Relations for the Hot Mix Asphalt Industry (order number HS-21)
- Working it Out Together (DVD, order number PV-7)
- Modern Asphalt Plants (brochure, order number PS-24)

### The Internet

- [www.carolinaasphalt.org/aws/CAPA/pt/sp/research](http://www.carolinaasphalt.org/aws/CAPA/pt/sp/research)
- [www.scasphalt.org/Asphalt\\_Facts](http://www.scasphalt.org/Asphalt_Facts)
- NAPA's [www.beyondroads.com](http://www.beyondroads.com) (specifically the asphalt facilities link)

### Astec Industries

- Meet the Neighbors (brochure)
- Technical Paper Series (check with an engineer or sales rep to determine the best ones for your applications)
- Your plant equipment manufacturer
- Your state asphalt pavement association

three gasoline filling stations during a year, the same TOCs as five fast-food restaurants in a year, and the same polycyclic aromatic hydrocarbons (PAHs) as 10 residential woodstoves in a year.

What it boils down to is the HMA plant is not a major source of emissions, as you can point out in the EPA de-listing discussion, and you can relate that on a basic, down-to-earth level by comparing the emissions to common, everyday items the general public will be familiar with.

What is this plant for? When going into the public meeting, producers should also be prepared to show neighbors what the HMA plant is going to provide them. ADM's Devine reminded us that the general public wants the end result: safe roads.

"They want to drive on good roads, but the sad part is they don't want anything near them to facilitate building those roads." He went on to say that members of the general public often don't take into account the fact that their lawn mowers and fireplaces emit more than a plant would, but don't contribute to the building of roads. The savvy producer should remind neighbors that without the HMA plant, safe, quality roads that last a long, quality life aren't possible.

"One of the best presentations I ever made was I put out a road map of what projects were going to happen in the county," C.W. Matthews' Lawrence said. "I told them that they had railed against congestion, and their political leaders had heard them."

The road projects Lawrence showed at the town meeting were going to take place whether his company's asphalt plant was built near the project sites or not. By building the plant in the vicinity of the projects, management at C.W. Matthews could provide mix at a better value than if the mix was transported from a greater distance. He asked the people at the meeting if they would rather have the material manufactured locally or transported from a remote location.

"My final argument was 'there's going to be this amount of dollars spent, this much dedicated to transportation and these road projects built. They're going to occur whether I'm here or not.'"

Limit your answers. The point of the town meeting is to give members of the general public a chance to voice their concerns and you a chance to respond to those concerns. When you respond, make sure you're answering one question at a time. As sources pointed out for the sidebar, Set the Community at Ease About These Topics, combining topics can confuse issues and present the general public with sometimes new information that they weren't prepared to discuss before you brought it up. You want to be sure you're answering each question politely, concisely and completely, but without bringing up additional information that is irrelevant to the topic at hand.

The plant is a safe member of the community. No matter what visual aids you take to the meeting or what form your presentation takes, a point that concerned neighbors need to understand is that the HMA plant is a safe addition to the community. The personnel working at the plant are members of the community, too.

While the addition of the HMA plant may only create a handful of new jobs for the area—usually up to 25, depending on the size and the number of qualified workers moving to the area to support the local economy—it is nonetheless, a job source within the county. He also reminds citizens that the plant will put no additional burden on the county infrastructure. For instance, a new subdivision in the county would require schools, etc., that the asphalt plant does not require.

Producers can also point out the side benefits the plant brings. If the traffic survey recommended in the first section of the article revealed an already busy junction down from the plant, make known your plans to pay for the installation of a traffic signal to safeguard neighbors before your traffic adds to congestion.

For the Town of Wallkill, the company applying for a permit just outside of town in the summer of 2007 promised not just to pay for the installation of a traffic signal at East Main Street and Midway Road, but also an additional lane on westbound East Main so traffic could continue traveling past trucks turning to the new plant location. The producer would also pay for upgrades to the East Main St. Bridge and along a sweeping curve off Exit 122 of Route 17, and would find alternate routes from East Main Street for trailers that exceeded certain length.



For the Wakefield plant in England, owners planned to use rail-linked quarries to supply the majority of raw materials, thus minimizing the amount of traffic on public roads. These types of concessions are a sign of goodwill and forethought on the producer's part. They solve a problem for both the community and the producer, and make travel-ways safer for all.

The HMA plant's biggest safety factor is its health safety factor. For this, it's best to go in with the information you know to be accurate and correct to refute the frightening information the general public has heard. ADM's Simmons listed good tools to take.

"The data to have available are air quality studies, noise data, expected working hours, layout drawings, etc.," Simmons said. "Having the contractor's safety program and good history available can be helpful, too. It's not only complying with air quality, noise and safety, though. It's also a chance to prove that the contractor cares about his or her employees, the surrounding public and the environment."

Lawrence goes to town meetings with plenty of information. "I've gone in with all kinds of scientific literature and all kinds of sources," Lawrence said. "I can tell them the EPA de-listed asphalt plants because they're not a source of hazardous emissions, but the general public doesn't get a feel for what that means. When the EPA decides they're not going to regulate something, that's big news! That's a big thing! A lot of people kind of yawn at it. It's a strong fact for the industry"

## KENNY ROGERS' WISDOM

As Lawrence pointed out, even when you make a solid case, presenting the truth, showing neighbors that your desire is to compete in the marketplace with a safe, recyclable, taxable product, common sense does not always prevail. "Reasoning and fact-based presentations in these situations don't always work," he said. "I've been asked how I can sleep at night, and I've been called a baby killer. It's hard to reason with someone like that."

In a case where citizens have resorted to name-calling and flinging lies about plant emissions and cancer agents, it's time to refocus. As sources said, you're probably not going to win the people in that situation to your side of the factual fence.

Astec's Sutton-Choate offered advice to help producers get through such a situation. "I've been in some meetings where you could have told them the sky was blue and they would have argued with you. You have to answer their questions correctly and politely and hope that you've gotten your point across to the people who are voting on it."

In the words of Kenny Rogers' *The Gambler*, you've got to know when to fold 'em. If the crowd is out of control and peoples' passions stirred by special interest group voodoo, all you can do is respond with kindness and sincerity, addressing the board members who will be voting on your application. If no board is overseeing the meeting, have security help you out and take the company vehicle through a car wash on your way home because egg is only going to be more difficult to get off by morning.

You've also got to know when to hold 'em. Most of the sources in this article had positive stories to tell. As Fore pointed out, "We have approximately 4,000 hot mix plants in the United States, most of which are operating harmoniously in their communities. There are many success stories where people have been thoughtful, have done their homework, have not only prevailed, but have come through the process with an acute sense of what's required in the long run of their business proposition."

"We've got 28 plants," C.W. Matthews' Lawrence said. "As a matter of daily business, I don't hear anything from the communities where we're located. We do educational plant tours for school children. We're heavily involved with sports teams." By getting involved in the communities where they're located, C.W. Matthews' personnel have turned the plants into not just a business in town, but a partner in the communities. They're neighbors who, as Fore said, operate harmoniously in the community.

As more members of the general public hear that message, more town meetings will end in the positive way that they have for countless companies around the industry. More permit applications will move smoothly through the process. And there'll be more success stories to share in the pages of *AsphaltPro* magazine.

## SET THE COMMUNITY AT EASE ABOUT THESE TOPICS

As our sources pointed out, you want to be ready to respond intelligently and confidently, but not in a patronizing manner, to questions at a town meeting. Unregulated sites on the internet offer erroneous information about an industry's potential for harm to citizens who attend these meetings. If that industry is the hot mix asphalt production industry, then you will need to have correct facts ready to refute the information they've been fed.

If you've not prepared for a town meeting before, the compilation of topics below can help you in your research ahead of time. Listening to concerns voiced in the community prior to the meeting will also help you prepare your information. Just keep in mind that once you are at the meeting, you only want to respond to a topic as it is brought up by a member of the public. There's no need for the permit applicant to bring up a point that might confuse someone and thus create additional questions. In most instances, the less you say, the better off you will be. Answering questions concisely and politely, restricting the answers to the topic at hand, is the best policy.

Here are some of the common concerns that members of the general public bring up at town meetings.

- truck traffic
- hours of operation
- air quality/fugitive emissions
- aesthetics
- water quality/leachate
- real estate values
- noise